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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,587	01/21/2004	Atsushi Kitamura	118402	1117

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
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EXAMINER

DUNWIDDIE, MEGHAN K

ART UNIT	PAPER NUMBER
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2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/760,587	Applicant(s) KITAMURA ET AL.	
	Examiner Meghan K. Dunwiddie	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 and 5-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the amendment received on June 7, 2006 by **Kitamura** et al.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3, and 4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Akaoka** (US 2002/0135560) in view of **Toyoda** (US 6371623).
4. Regarding Claim 1, **Akaoka** shows a spread illuminating apparatus comprising:
 - At least one light source [Figure 1: (4)];
 - A light conductive plate which allows light emitted from the at least one light source and introduced thereinto to exit out from at least one of two major surfaces thereof respectively toward at least one object to be illuminated [Figure 1: (2)];

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- And a light converging means [Figure 1: (3)] having a refractive index profile in a direction orthogonal to the two major surfaces of the light conductive plate [Figure 2: (3a-3e)].
5. Regarding Claim 3, **Akaoka** shows:
- The light converging means has a height substantially equal to a thickness of the light conductive plate toward the one end surface [See Figure 1].
6. **Akaoka** does not show:
- A light converging means which is disposed between the at least one light source and the light conductive plate.
7. **Toyoda** teaches:
- A light converging means [Figure 5: (5, 6, 7)] which is disposed between the at least one light source [Figure 5: (4)] and the light conductive plate [Figure 5: (2)].
8. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the spread illuminating apparatus of **Akaoka** with a light converging means disposed between the light source and the light conductive plate as taught by **Toyoda** for the purpose and advantage of controlling the directivity of the light entering the light conductive plate.

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9. Regarding Claim 4, **Akaoka** shows the claimed invention as cited above, but does not specifically teach the light converging means having its light entrance surface and its light exit surface oriented parallel to each other.

10. **Toyoda** teaches:

- The light converging means has its light entrance surface and its light exit surface oriented parallel to each other [Figure 5: (5, 6, 7)].

11. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the spread illuminating apparatus of **Akaoka** with the light converging means having its light entrance surface and its light exit surface oriented parallel to each other as taught by **Toyoda** for the purpose and advantage of emitting light from the light source directly into the light conductive plate.

Allowable Subject Matter

12. Claims 2 and 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571)

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272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MKD

Stephen F. Huan
Primary Examiner
AU 2875